

THE HONORABLE TANA LIN

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PATRICIA SHIPPLEY, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

LOANDEPOT.COM, LLC, a foreign company
doing business in Washington State,

Defendant.

Case No. 2:24-cv-00813-TL

**STIPULATED MOTION TO TRANSFER
VENUE TO THE UNITED STATES DISTRICT
COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA; (~~PROPOSED~~ ORDER)**

Note on Motion Calendar: June 20, 2024
(without oral argument)

1 Plaintiff Patricia Shippley, individually and on behalf of all others similarly situated
 2 (“Plaintiff”), and Defendant loanDepot.com, LLC (“loanDepot”) (collectively referred to as
 3 “Parties”), by and through their undersigned counsel, jointly bring this stipulated motion to transfer
 4 this action to the United States District Court for the Central District of California (“Central
 5 District of California”) pursuant to 28 U.S.C. § 1404(a) and Local Civil Rule 7(d)(1).¹

6 On May 9, 2024, Plaintiff filed a complaint against loanDepot in the Superior Court of the
 7 State of Washington for King County, and the matter was assigned Case No. 24-2-10416-0. On
 8 June 7, 2024, loanDepot removed this action to the United States District Court for the Western
 9 District of Washington. (Dkt. No. 1.)

10 Nearly five months prior to the filing of Plaintiffs’ Complaint, on January 19, 2024, a
 11 related case alleging claims arising out of a cybersecurity incident experienced by loanDepot in
 12 January 2024, captioned *Isaiah v. loanDepot, Inc.*, Case No. 8:24-cv-00136, was filed in the
 13 Central District of California. Since that time, the *Isaiah* action has been consolidated with twenty-
 14 one other class actions in the Central District of California, before Judge David O. Carter. *In re*
 15 *loanDepot Data Breach Litigation*, Case No. 8:24-cv-00136-DOC-JDE (C.D. Cal.) (the
 16 “Consolidated Action”).

17 Pursuant to 28 U.S.C. § 1404(a), this Court may transfer a civil action for “the convenience
 18 of the parties and witnesses, in the interest of justice . . . to any other district or division where [the
 19 action] might have been brought or to any district or division to which all parties have consented.”
 20 Transfer is appropriate here for multiple, independently sufficient reasons.

21 *First*, this Court may transfer this action to the Central District of California because the
 22 action may have been brought there in the first instance. Venue is proper in the Central District of
 23 California because loanDepot resides in that judicial district, having its principal place of business
 24

25 ¹ Defendant makes this stipulated motion while reserving all rights to challenge the claims asserted
 26 against it on any and all grounds, including, without limitation, all jurisdictional, substantive, and
 procedural rights and defenses it has with respect to any claim that Plaintiffs has asserted.

1 in Irvine, California. (Dkt. No. 1 ¶ 17; Dkt. No. 1-3 (Ex. A) ¶ 25.) The Central District of
 2 California has subject matter jurisdiction pursuant to the Class Action Fairness Act (“CAFA”). 28
 3 U.S.C. § 1332(d). (See Dkt. No. 1.) As evidenced by the twenty-one cases already consolidated
 4 in Central District of California, Plaintiff could have brought the action there.²

5 *Second*, the Court may transfer this action pursuant to the first-to-file rule, which permits
 6 a district court to transfer an action when a complaint involving the same parties and issues has
 7 already been filed in another district. See *Franzetti v. Pac. Mkt. Int’l LLC*, No. 2:24-CV-00191-
 8 TL, 2024 WL 1832470, at *2 (W.D. Wash. Apr. 26, 2024) (Lin, J.). While the precise causes of
 9 action alleged vary across the complaints, the plaintiffs in the Consolidated Action purport to
 10 represent nationwide classes of individuals, including impacted Washington residents, who seek
 11 damages and other relief in connection with the January 2024 cybersecurity incident, including for
 12 alleged breaches of common-law, statutory, and contractual duties to reasonably protect consumer
 13 data. The parties in the two actions are substantially similar given that plaintiffs have proposed
 14 overlapping classes, and the defendants are related as parent (loanDepot, Inc.) and indirect
 15 subsidiary (loanDepot).

16 *Third*, the interests of justice favor transfer, as it would preserve judicial resources and
 17 promote judicial efficiency by avoiding duplicative litigation and further the convenience of the
 18 parties, including because many of the relevant witnesses, records, and documents are located in
 19 Irvine, California, within the Central District of California.

20 *Finally*, the Parties have conferred and agree to transfer this matter to the Central District
 21 of California.

22 For the reasons set forth above, the Parties respectfully request transfer of this action to the
 23

24 ² At least one of the consolidated cases, *Boykin, et al. v. loanDepot, Inc.*, Case No. 8:24-cv-01119
 25 (C.D. Cal.), was originally filed in the Northern District of Illinois, Case No. 1:24-cv-2583. The
 26 parties stipulated to transfer the action to the Central District of California under 28 U.S.C.
 § 1404(a), and transfer was ordered on May 21, 2024. (N.D. Ill. Case No. 1:24-cv-2583, Dkt. No.
 14.) Once transferred, the case was assigned to Judge Carter and consolidated with the
 Consolidated Action *sua sponte*. (C.D. Cal. Case No. 8:24-cv-01119, Dkt. No. 25.)

1 Central District of California.

2 Respectfully submitted this 20th day of June, 2024.

3
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12 *Attorneys for Plaintiff Patricia Shippley*

ORDER

THIS MATTER came before the Court on the Stipulated Motion to Transfer to the United States District Court for the Central District of California by Plaintiff Patricia Shippley, individually and on behalf of all others similarly situated ("Plaintiff"), and Defendant loanDepot.com, LLC ("loanDepot"), pursuant to 28 U.S.C. § 1404(a). The Court has reviewed and considered stipulated motion and the pleadings and papers of record, and notes that the parties have stipulated to the requested relief.

Based on at least the foregoing, the Motion is GRANTED; as soon as is practicable, the Clerk of Court shall take all actions necessary to effectuate the transfer of this matter to the United States District Court for the Central District of California.

IT IS SO ORDERED.

DATED this 20th day of June, 2024.



Tana Lin
United States District Judge